

Office of Selectmen

Post Office Box 139
Moultonborough, N.H. 03254
(603) 476-2347

STATEMENT OF POLICY

No. 20

DISPOSAL OF PROJECT BYPRODUCTS AND MATERIALS

In the event that it becomes necessary to dispose of byproducts or other materials owned by the Town, or accumulated during projects completed by Town Departments, employees or Contractors this Policy provides direction regarding the disposal and transport of that property. This Policy shall not apply to any product, byproduct or material of sufficient quantity or value to fall under the provisions of the Town's Competitive Bidding Regulation. The Policy recognizes that occasionally and infrequently it is necessary to dispose of property, product or byproduct generated as part of construction or reconstruction projects undertaken by the Town through one or more Departments of the Town or through contracts for services. Disposal under this Policy shall only occur when it is in the best interests of the Town. The determination of "best interest" will be the sole responsibility of the Board of Selectmen.

Before any disposal action occurs, the following process must occur.

1. The appropriate Department Head shall identify the materials requiring disposal and shall communicate that need to the Board of Selectmen, in writing using the Disposal Agreement form attached, including a description of the material(s) in question, a best estimate of the material(s) volume, the proposed recipient and any other pertinent information.
2. The recipient must sign the *Disposal Agreement* acknowledging willingness to receive the material(s). If Town officials will use Town equipment to deliver the material(s), the recipient's signature acknowledges his or her willingness to indemnify the Town from all liability except for instances of gross negligence and willful neglect. The recipient must provide a signed *Disposal Agreement* before any consideration for approval can begin.
3. Before any material(s) change ownership, regardless of the means of transport, the Board of Selectmen must approve the transaction. The Chairman, Board of Selectmen will sign the Disposal Agreement and the approval must appear in the Minutes of a regularly scheduled Selectmen's Meeting.
4. When extreme need dictates, after Steps 1 and 2 are complete, the Chairman, Board of Selectmen may give approval for a transaction to occur providing that any approval given receives review and ratification consideration by the Board of Selectmen at the next regularly scheduled Selectmen's Meeting. Review and ratification action must then appear in the Minutes of that Meeting. Should the

Board of Selectmen find fault with the Chairman's approval, the appropriate action shall be censure.

5. This Policy shall apply to all product, byproduct or material disposed of by any Department except as provided in Item #7 below.
6. Only during a declared emergency will the use of Town equipment occur on property owned by any elected or appointed Town official, Town employee or Town volunteer board or committee member without the expressed approval of the Board of Selectmen.
7. The RRP/WMF Facility Supervisor, subject to periodic review by the Board of Selectmen, shall have continuing authority to dispose of recyclable materials collected under existing market conditions and at current market prices.

This policy shall be effective immediately upon adoption.

Date of Adoption: July 7, 2005

Karel A. Crawford, Chairman
Edward J. Charest
Ernest E. Davis, Jr.
Jerry D. Hopkins
Brian P. Moriarity

BOARD OF SELECTMEN

Attachment: *Disposal Agreement* Form